

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Norfolk Division

In re:
VINCENT A. MUSCHETT,

Case No. 13-70065-FJS
Chapter 13

Debtor.

**AMENDED MOTION TO DISMISS FOR FAILURE TO
COOPERATE IN ADMINISTRATION OF CASE AND
FAILURE TO MAKE PLAN PAYMENTS AND NOTICE OF HEARING**

COMES NOW R. Clinton Stackhouse, Jr., Chapter 13 Trustee (the "Trustee"), and moves to dismiss this case. In support of this motion, the Trustee states as follows:

1. Vincent A. Muschett (the "Debtor"), filed a voluntary petition (the "Voluntary Petition") for bankruptcy relief under Chapter 13 of Title 11 of the United States Code in this Court on January 8, 2013. Relief was ordered.

2. On January 9, 2013, the Trustee was appointed in this case and continues to serve in that capacity.

3. On January 28, 2013, the Debtor filed his original plan (the "Plan"), which has not been confirmed by the Court due to the filing an objection by the Trustee.

4. On April 2, 2013, the Debtor filed an amended plan (the "Amended Plan"), which has not been confirmed by the Court.

4. On February 28, 2013, the Trustee sent a letter to counsel for the Debtor and the Debtor advising that this case has been designated as a Chapter 13 Business, case and requested that

R. Clinton Stackhouse, Jr. VSB No. 19358
Chapter 13 Trustee
7021 Harbour View Blvd., Suite 101
Suffolk, VA 23435
(757) 333-4000 Telephone
(757) 333-3434 Facsimile

the following information be provided: (1) copies of any contracts that are currently in effect for Vincent Construction; (2) Quarterly financial reports to contain all activity with regard to the services provided by Vincent Construction, including but not limited to profit and loss statements; (2) Copy of business license for Vincent Construction; and (4) Proof of insurance for Vincent Construction (the "Requested Information").

5. As of the date of this Amended Motion, the Debtor has not provided the Requested Information.

6. In addition, the Debtor has not made a plan payment since February 8, 2013 and is currently \$2,361.00 in the arrears through May, 2013.

6. For the foregoing reasons, the Trustee prays that the case be dismissed for failure to cooperate in the administration of the case and failure to make plan payments.

NOTICE OF HEARING ON AMENDED MOTION TO DISMISS

Your rights may be affected. You should read these papers carefully and discuss them with you attorney, if you have one in this bankruptcy case. (if you do not have an attorney, you may wish to consult one.)

If you do not want the Court to dismiss your case or if you want the Court to consider your views on the Amended Motion, then you and your attorney must:

ATTEND THE HEARING SCHEDULED TO BE HELD:

at United States Bankruptcy Court on June 4, 2013 at 10:00 a.m.
Walter E. Hoffman United States
Court House - Courtroom Two
600 Granby Street
Norfolk, Virginia

to consider and act upon the Amended Motion to Dismiss filed by the Standing Chapter 13 Trustee.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting relief.

R. Clinton Stackhouse, Jr.
Chapter 13 Trustee

/s/ R. Clinton Stackhouse, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of May, 2013, I will electronically file the foregoing Amended Motion with the Clerk using the CM/ECF system, which will then send electronic notification of such filing to Steve C. Taylor, Esq., counsel for the Debtor and that a true copy was mailed, first class, postage prepaid to:

Vincent A. Muschett
1002 Vermont Avenue
Portsmouth, VA 23707

/s/ R. Clinton Stackhouse, Jr.
